

*WILLIAM ALLEN MEANS v.*

*E.M. PETERSON, et al.*

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*MARY CHANDLER*

*04/26/2021*

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WILLIAM ALLEN MEANS v.  
E.M. PETERSON, et al.

MARY CHANDLER  
04/26/2021

<p>1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 SOUTHERN DISTRICT OF WEST VIRGINIA 3 AT CHARLESTON 4 * * * * * 5 WILLIAM ALLEN MEANS, 6 Plaintiff, 7 vs. CIVIL ACTION 8 E.M. PETERSON, D. HARVEY, 9 and THE CITY OF SOUTH 10 CHARLESTON, 11 Defendants. 12 * * * * * 13 14 Deposition of Mary Chandler taken by the 15 Plaintiff under the West Virginia Rules of Civil 16 Procedure in the above-entitled action, pursuant to 17 notice, before Angela L. Curtis, a Certified Court 18 Reporter, at Pullin, Fowler, Flanagan, Brown &amp; Poe, 901 19 Quarrier Street, Charleston, West Virginia, on the 26th 20 day of April 2021. 21 22 REALTIME REPORTERS, LLC 23 ANGELA L. CURTIS, CCR 24 713 Lee Street Charleston, WV 25301 (304) 344-8463 realtimereporters.net</p>	<p>1 EXAMINATION INDEX 2 BY MR. DITRAPANO . . . . . 6 3 BY MR. RUGGIER . . . . .18 4 RE BY MR. DITRAPANO. . . . .30 5 RE BY MR. RUGGIER. . . . .33 6 RE RE BY MR. DITRAPANO . . . . .33 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p>1 APPEARANCES: 2 3 APPEARING FOR THE PLAINTIFF: 4 Dante diTrapano, Esquire 5 CALWELL LUCE DITRAPANO, PLLC 6 500 Randolph Street 7 Charleston, WV 25302 8 W. Jesse Forbes, Esquire 9 FORBES LAW OFFICES, PLLC 10 1118 Kanawha Boulevard, East 11 Charleston, WV 25301 12 13 APPEARING FOR THE DEFENDANTS: 14 Duane J. Ruggier, II, Esquire 15 PULLIN, FOWLER, FLANAGAN, BROWN &amp; POE, PLLC 16 James Mark Building 17 901 Quarrier Street 18 Charleston, WV 25301 19 Also Appearing: Officer E.M. Peterson 20 21 22 23 24</p>	<p>1 EXHIBIT INDEX 2 Exhibit 1 Bystander Video 3 Exhibit 2 Hand Drawing 4 5 6 7 8 9 10 11 12 13 14 15 16 17 *Exhibits were marked in a previous deposition, thus 18 are not reflected as marked in this transcript. 19 20 21 22 23 24</p>

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# PROCEEDINGS

VIDEO OPERATOR: This is the videotaped deposition of Mary Chandler taken by the plaintiff in the matter of William Allen Means versus E.M. Peterson, et. al. being civil action number 2:20-cv-00561 in the US District Court for the Southern District of West Virginia at Charleston held at the offices of Pullin, Fowler, Flanagan, Brown and Poe in Charleston, West Virginia on this 26th day of April 2021.

My name is Chris Leigh and I'm the certified legal video specialist. The court reporter is Angie Curtis. We're now on the record. The time is approximately 4:01 p.m. Would counsel please introduce themselves and whom they represent?

MR. DITRAPAO: Yes. My name is Dante diTrapano and this is Jesse Forbes and we represent William Allen Means who I'll probably refer to as Billy during the course of the deposition.

MR. RUGGIER: Duane Ruggier representing Officers Peterson and Harvey.

VIDEO OPERATOR: Would the court reporter please swear in the witness?

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MARY CHANDLER was called as a witness by the Plaintiff, pursuant to notice, and having been first duly sworn, testified as follows:

## EXAMINATION

BY MR. DITRAPANO:

**Q. Mary, I just introduced myself as Dante diTrapano and I represent, along with Jesse, Billy Means and I wanted to ask you some questions about that. Have you ever had your deposition taken before?**

A. No.

**Q. All right. There's just some very basic ground rules. The first one is that I'm going ask you a series of questions. You've sworn to tell the truth so help you God and so I'm going to assume that any question I ask you and that you answer that you're telling the truth, is that fair?**

A. Yes.

**Q. Okay. Also, I'm going to assume that if I ask you a question and you answer it that you understand precisely what I've asked and if you don't, just ask me to rephrase it or, you know, say it again or whatever you have to do to make sure that you have a clear understanding of what I'm asking you, is that okay?**

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A. Yeah.

**Q. All right. The other thing is, and we're doing it very well right now, is let me finish my question, even if you anticipate where I'm kind of going with it, you want to jump in and answer, let me finish and then you think about what I've asked you and give an audible response so she can take it down in the book.**

A. Okay.

**Q. Good enough? We're not going to be here very long so if you do need a break, just say, you know, I need to run out and take a break, but I don't think that will be necessary today, okay?**

A. Okay.

**Q. Could you please state your full name for the record?**

A. Mary Elizabeth Chandler.

**Q. What is your home address, Mary?**

A. It's 2191 C&O Road, Nellis, West Virginia.

**Q. I know Nellis so that is Boone County and not Kanawha County; correct?**

A. Correct.

**Q. Are you -- are you presently employed?**

A. Yes.

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**Q. Okay. Where do you work?**

A. Par Mar in Ashford.

**Q. Okay. What are you doing for Par Mar?**

A. Cashier.

**Q. How long have you been there?**

A. I just started Thursday.

**Q. Okay. Congratulations. I want to take you to the day of the accident which was May 2nd of 2020 and it was early in the morning and it's a Saturday, just for orientation, and ask you what you were doing that day.**

A. I was meeting with coworkers when we worked with Appalachian Botanical Company. We were meeting at the guard shack on Ashford Hill and Melissa and I were early and she was excited because she had bought or was buying a new home and she wanted to show me, we had time, so we drove down Emmons Road.

**Q. While driving down Emmons Road, did you have the occasion to encounter a motorcycle being followed by a couple of South Charleston Police Department cars?**

A. Yes.

**Q. And I'm going to use this, this Exhibit 2 to Melissa's, deposition and ask you --**

MR. DITRAPANO: Can you hear me if I

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1 stand up there?

2 **Q. I'm going to ask you a couple of questions**

3 **about that and I'll help orientate you to what's going**

4 **on here. This is Melissa's artwork and this is the**

5 **railroad crossing where the accident occurred and this**

6 **is the railroad crossing where she says you guys pulled**

7 **over and first encountered the bike and the two police**

8 **officers. Does that look accurate to you?**

9 A. Yes.

10 **Q. Okay. I want to ask you a couple questions**

11 **about -- I assume that the house that she wanted to**

12 **look at was on up on the other side of that railroad**

13 **crossing on the left because you were heading in -- you**

14 **were heading in that direction?**

15 A. Yeah.

16 **Q. Okay and just tell us in your own words what's**

17 **the first thing you saw when you got to that railroad**

18 **crossing?**

19 A. We got right around the corner, because I'm

20 pretty sure there were bushes right there, we heard

21 sirens, but we couldn't figure out where they were

22 coming from. So we slowed down and we seen a street

23 bike and two police officers, two vehicles behind the

24 street bike.

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1 **Q. Okay. And did they come across the crossing**

2 **there?**

3 A. The tracks, the railroad tracks?

4 **Q. Yeah. Yeah.**

5 A. Yes.

6 **Q. Okay. Did that startle you guys at all to see**

7 **them come across there? If it --**

8 A. I wouldn't say startle. It was more of a

9 shock because we don't see things like that in Boone

10 County really.

11 **Q. Were you the front seat passenger of this**

12 **vehicle that Melissa was driving?**

13 A. Yes.

14 **Q. Did you guys, at that point, make a decision**

15 **to kind of see what was going on?**

16 A. Yes.

17 **Q. Now you just mentioned before that you**

18 **heard -- you heard some sirens. How long before you**

19 **saw the vehicles did you hear a siren?**

20 A. It was just a few seconds. It wasn't very

21 long.

22 **Q. Do you recall whether or not you actually saw**

23 **any police lights or not?**

24 A. I can't remember.

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1 **Q. You remember hearing a siren, but you don't**

2 **know whether or not you saw lights, is that fair?**

3 A. Yes.

4 **Q. Okay. What's the next thing that happened?**

5 **Did you guys have to cross the railroad tracks to find**

6 **a place to turn around or did you turn around right**

7 **where you were?**

8 A. We went up a little ways to turn around.

9 **Q. Okay and then you went back in the same**

10 **direction that the motorcycle and the police officers**

11 **were headed; correct?**

12 A. Yes.

13 **Q. And what is the next thing that you saw that**

14 **had to do with this bike and these officers?**

15 A. When we got back to the tracks, we couldn't

16 cross the tracks to leave the area. We seen two

17 officers, no bike, we didn't see the bike, but we seen

18 two officers in the ditch line.

19 **Q. Okay. Why was it that you couldn't cross the**

20 **tracks?**

21 A. An officer had his vehicle blocking the

22 railroad tracks.

23 **Q. When you say blocking the railroad tracks, he**

24 **was actually, he had his vehicle actually up on the**

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1 **railroad tracks where you couldn't get across the**

2 **crossing?**

3 A. Yeah, we couldn't -- we couldn't get past him.

4 **Q. Okay. Did you then -- did you guys pull the**

5 **vehicle over somewhere?**

6 A. No, we stayed behind. There was a white and

7 black cruiser and we were behind that vehicle.

8 **Q. Okay. At some point did you decide that you**

9 **were going to take a video with your cell phone of what**

10 **was going on?**

11 A. Before we seen the incident I pulled my cell

12 phone out because it's something that we don't see very

13 often, but we didn't know what we were coming up on.

14 **Q. Okay and I want to thank you in advance for**

15 **your service in taking a video of this because there**

16 **were no dash cams and there were no body cams at all on**

17 **this South Charleston Police Department vehicle or**

18 **officers. Did you know that?**

19 A. No, I did not.

20 **Q. Okay. And further to that was at some point**

21 **in time Officer Peterson, who was there, and also**

22 **Officer Harvey had purchased their own go cams to put**

23 **on their vehicles to film things like this, but they**

24 **were told by their captain that they needed to take**

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1 them out of there so they were told to get rid of their  
2 cameras. Did you know that?  
3 A. No.  
4 Q. So at the time that you took this video, you  
5 have the only video footage of what went on with our  
6 client, Billy Means, and Officer Peterson and Officer  
7 Harvey. Did you know that?  
8 A. No, I did not.  
9 Q. Well, I just want to thank you in advance for  
10 filming this because it's the only way we would know  
11 what went on.  
12 MR. DITRAPANO: Can we play the video?  
13 MR. FORBES: Make this Exhibit 1?  
14 MR. RUGGIER: Let's make this an exhibit.  
15 MR. FORBES: Why don't, just for purposes,  
16 we just run through the same exhibit numbers, Exhibit 1  
17 be the video and Exhibit 2 be the map that she drew for  
18 both depositions.  
19 MR. RUGGIER: That's fine.  
20 MR. FORBES: Less confusing I think.  
21 Q. We're going to show you this video and ask you  
22 to watch it because we need to authenticate it, that  
23 this is what you actually took at the time, okay?  
24 (Whereupon the bystander video, Exhibit 1, was

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1 played after which the deposition continued as  
2 follows:)  
3 Q. Mary, is that the video that you took on May  
4 the 2nd, 2020 at the scene of the incident?  
5 A. Yes, it is.  
6 Q. And did you take that video with your own cell  
7 phone?  
8 A. Yes.  
9 Q. And what we've just viewed today, is that an  
10 accurate depiction of what happened that day?  
11 A. Yes.  
12 Q. And that was a video that you took yourself on  
13 that day, May the 2nd, 2020?  
14 A. Yes.  
15 Q. When you took the video, did you have the  
16 video camera to a position where you could also see  
17 what was going on with your own two eyes?  
18 A. Yes.  
19 Q. There's some commentary in the very first part  
20 of it when you see the officers sort of on the other  
21 side of the tracks in the ditch where somebody says,  
22 you know, he tased him and then somebody says he maced  
23 him too. Were you the voice that says he tased him?  
24 A. Yes.

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1 Q. Okay. Now you don't know from that position  
2 where you were sitting whether or not he actually had a  
3 handgun or a taser, do you?  
4 A. No because I, from my understanding, they look  
5 similar, so I didn't know if it was for sure a taser or  
6 a gun.  
7 Q. All you knew is that one of the officers had  
8 something out and were pointing it in the ditch?  
9 A. Yes.  
10 Q. What else did you see that was going on over  
11 there with your own two eyes?  
12 A. I couldn't see the guy, Billy, is that his --  
13 okay, I couldn't see him. I personally didn't see them  
14 hit him or anything on that side of the tracks, but  
15 then I seen them drag him across the tracks, which I  
16 thought myself was odd because if there's an accident I  
17 thought an EMT was suppose to come or anything like  
18 that.  
19 Q. Did you see them grab Billy Means by his  
20 wrists and drag him out of the ditch across the  
21 railroad tracks with your own two eyes?  
22 A. Yes.  
23 Q. Could you see, from where you were a passenger  
24 in the vehicle filming, better after they drug him

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1 across the tracks than you could when they were on the  
2 other side of the tracks? Was it closer to you?  
3 From where you're parked sitting in the vehicle,  
4 where the vehicle is parked, was it closer to you after  
5 they drug him across the tracks than it was when they  
6 were on the other side of the tracks?  
7 A. Yes.  
8 Q. Do you understand my question?  
9 A. Yes.  
10 Q. So in other words, from where they grabbed his  
11 wrists and drug him across the tracks and stopped, that  
12 was closer to your vision than where they were sitting  
13 all the way at the other part of the tracks when he was  
14 in the ditch?  
15 A. Yes.  
16 Q. Did you see with your own two eyes one of the  
17 officers take their foot and stomp Billy's head?  
18 A. Yes.  
19 Q. And you saw that absolutely with your own two  
20 eyes irrespective of what's on the video?  
21 A. Yes.  
22 Q. There's no question in your mind whatsoever  
23 that a foot of the officer came down with force and  
24 stomped Billy in the head?



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1 A. Yes.

2 **Q. No question whatsoever?**

3 A. No question.

4 **Q. And if Officer Harvey sat here today and said**

5 **he simply was trying to step over top of his head and**

6 **he did not stomp him, Officer Harvey is lying?**

7 A. Yes.

8 **Q. How did that make you feel to watch an officer**

9 **of the law stomp an injured person in the head?**

10 A. It pissed me off to be honest.

11 **Q. Any other emotions that ran through your body?**

12 A. I'm a respectful person and I have respect for

13 officers, but I'm trying to teach my kids that the

14 police are somebody they can depend on and help and

15 they're suppose to protect and serve. How am I suppose

16 to do that when I just seen this happen and how am I

17 suppose to explain that to them if they ever happen to

18 see it?

19 **Q. Was -- based on your own two eyes and the**

20 **video that you watched, was Billy means doing anything**

21 **that would warrant being treated like that?**

22 A. No.

23 **Q. With your own two eyes on the video did it**

24 **appear to you that Billy was totally limp being drug**

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1 **across the railroad tracks?**

2 A. Yes.

3 **Q. Do you think stomping him in the head was**

4 **reasonable?**

5 A. No.

6 **Q. Do you think that stomping him in the head was**

7 **excessive?**

8 A. That was more than excessive. It shouldn't

9 have happened.

10 **Q. Did you give a copy of the video to the FBI?**

11 A. Yes.

12 **Q. Subject to whatever Mr. Ruggier might ask you,**

13 **I'm finished with the questions. I really appreciate**

14 **your time coming in here today.**

15 A. You're welcome.

16 MR. RUGGIER: I just have a couple

17 questions for you.

18 EXAMINATION

19 BY MR. RUGGIER:

20 **Q. Let's see, getting back to -- getting back to**

21 **the pursuit itself and when you passed the pursuit,**

22 **we'll call it the pursuit. When you passed, I guess,**

23 **Billy being followed by two motorcycles, did you pass**

24 **them --**

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1 MR. DITRAPANO: I think you misspoke,

2 being followed by two motorcycles.

3 **Q. I'm sorry, not Billy being followed by two**

4 **motorcycles, Billy being followed by two police**

5 **cruisers. The area where you passed them, is that when**

6 **you first passed it, going in the opposite direction of**

7 **you, is that at the railroad tracks, not the tracks**

8 **where the accident happened, but a railroad tracks?**

9 A. Yes. It's right on a curve.

10 **Q. Right on a curve?**

11 A. Yeah.

12 **Q. And it's right on a curve and was the**

13 **motorcycle and the two police cruisers going over the**

14 **railroad tracks?**

15 A. We had came -- we were coming up on the

16 railroad tracks. We were in this little area right

17 here --

18 **Q. Okay.**

19 A. -- right when the bike and the cruisers, so we

20 hadn't passed the tracks yet. They had just passed

21 them.

22 **Q. Okay, but you had seen them just as they had**

23 **just gone over the tracks?**

24 A. Yes.

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1 **Q. Your friend testified that they were going**

2 **slow.**

3 A. Yeah. Yeah.

4 **Q. Could you estimate the speed?**

5 A. Oh, man. No, not really. It's -- if you

6 don't know that road you're not going to go fast.

7 **Q. Won't go too fast on it?**

8 A. Not really.

9 **Q. When you passed them, when you passed the**

10 **motorcycle and the cruisers, what was the distance, if**

11 **you can estimate, between the motorcycle and the**

12 **cruisers?**

13 A. I mean, they were real close. I don't even

14 think they were five feet in between them.

15 **Q. Is it a fair characterization of your**

16 **testimony that when you saw this pursuit, the pursuit**

17 **was real close and the vehicles were going real slow?**

18 A. Yeah.

19 **Q. When you passed the pursuit, and you**

20 **understand I'll call it, the group of these, the**

21 **pursuit, you said that you -- could you hear sirens?**

22 A. Yeah, we heard sirens.

23 **Q. And you heard sirens before you actually even**

24 **saw the pursuit?**

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1 A. Yes.  
2 **Q. And how -- and I apologize if you were asked**  
3 **this already, but can you estimate in seconds how, you**  
4 **know, when you first heard the sirens to when you**  
5 **actually saw the pursuit?**  
6 A. Probably about 5 to 10 seconds if that.  
7 **Q. All right. So 5 to 10 seconds. You heard the**  
8 **sirens before you actually saw the pursuit?**  
9 A. Yeah. Because I thought it was on the other  
10 side of the river.  
11 **Q. Okay.**  
12 A. That's usually where everything happens.  
13 **Q. That's where all the bad stuff happens?**  
14 A. Yeah.  
15 **Q. And whenever you passed the pursuit, you can**  
16 **obviously hear the sirens still?**  
17 A. Yeah.  
18 **Q. Can you see any lights?**  
19 A. I don't remember.  
20 **Q. You don't remember, not sure?**  
21 A. Uh-uh. That was a year ago.  
22 **Q. Sure.**  
23 A. A lot's happened.  
24 **Q. I understand. After you passed the pursuit,**

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1 **at any point did you ever see -- was there -- did you**  
2 **see any vehicles that were in front of the motorcycle**  
3 **being pursued?**  
4 A. No.  
5 **Q. Because you're kind of going in the opposite**  
6 **direction so was there any vehicles that you saw that**  
7 **would have been, you know, along that straight stretch**  
8 **there or something, somebody that would have been in**  
9 **front of the motorcycle?**  
10 A. No. We were the only ones on that road.  
11 **Q. Okay. Didn't see any vehicle at all in front**  
12 **of the motorcycle?**  
13 A. No.  
14 **Q. Did you have any concerns that any vehicle in**  
15 **the pursuit was going to hit you?**  
16 A. No, not hit us, but they were -- everybody was  
17 pretty close.  
18 **Q. The road's not real --**  
19 A. No, it's real narrow.  
20 **Q. -- not real wide and did you have concerns**  
21 **that the motorcycle was going to hit you?**  
22 A. No.  
23 **Q. Did you have concerns that the police cruisers**  
24 **were going to hit you?**

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1 A. No. I mean, it's a tight squeeze, but.  
2 **Q. Yeah. Can you estimate if you went -- you**  
3 **passed the pursuit, where did you go and turn around?**  
4 A. We just pulled up by the tracks and --  
5 **Q. By the tracks and turned right around?**  
6 A. Yeah.  
7 **Q. So you went over the tracks and then turned**  
8 **right around?**  
9 A. I can't remember if we went over to the bus  
10 turn or if we turned right in front of the tracks.  
11 **Q. Your friend testified it was the bus turn,**  
12 **but --**  
13 A. I mean, I can't remember.  
14 **Q. You turn around and can you estimate the**  
15 **amount of time from when you turn around and then you**  
16 **actually get over top of the railroad tracks, how long**  
17 **did that take, do you know?**  
18 A. Over top of what?  
19 **Q. Over top the railroad tracks to go in the**  
20 **opposite direction?**  
21 A. On which side?  
22 MR. DITRAPANO: I'm going to object to  
23 the form of the question because it's confusing.  
24 A. Because I don't know if we for sure if -- I

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1 can't remember if we went over top of the tracks, so I  
2 don't feel comfortable answering that question.  
3 **Q. Sure. You're not sure if you turned around**  
4 **before the tracks or after the tracks?**  
5 A. There's two wide spots. I can't remember if  
6 we went across the tracks or in front of the tracks.  
7 **Q. When you first turned around, were you able to**  
8 **see the pursuit after turning around?**  
9 A. When we first turned around, no.  
10 **Q. Okay.**  
11 A. I was actually pulling up my phone.  
12 **Q. Could you still hear the sirens?**  
13 A. Yes.  
14 **Q. You then drive towards where the pursuit just**  
15 **passed you; right?**  
16 A. To the end?  
17 **Q. Yeah. Drive to the end where it happens,**  
18 **where the incident happens, and you then decide you're**  
19 **going to video it and start to video; right?**  
20 A. I decided right whenever we turned around.  
21 **Q. When you turned around, we're talking about**  
22 **the -- we're talking about stomping on the head, talked**  
23 **about that, you videoed that. You agree with me that**  
24 **it wasn't -- even if there was an actual stomping, that**

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1 it was the plaintiff, Billy, was wearing a helmet?  
2 MR. DITRAPANO: Object to the form. I  
3 don't understand your question, I mean.  
4 Q. All right, so whenever Dante was questioning  
5 you and saying stomping on the head, would you agree  
6 with me that it's not actually stomping on Billy's  
7 head, it was actually stomping on the helmet?  
8 A. He had a helmet on, but it's still --  
9 MR. DITRAPANO: Let her finish her  
10 answer.  
11 A. It's still his head.  
12 Q. I understand, but he was wearing a helmet.  
13 A. Yes.  
14 Q. Was Billy, when he allegedly stomped on his  
15 helmet, was he -- was he face up or face down?  
16 A. I don't remember.  
17 Q. Not sure? Don't remember if you could see his  
18 face or not.  
19 A. He had a helmet on.  
20 Q. Would you agree with me that it is more  
21 difficult to step over top of a helmet than it is to  
22 step over top of somebody that is not wearing a helmet?  
23 A. Nope.  
24 Q. You think it's more difficult to step over

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1 somebody who is not wearing a helmet than it is to step  
2 over somebody who is wearing a helmet?  
3 A. Isn't that the same question?  
4 Q. Well, that's what I'm asking.  
5 A. It's the same.  
6 Q. Well, it's actually the opposite is what I was  
7 trying to say.  
8 A. I mean, I don't -- I don't see it difficult at  
9 all really.  
10 Q. I mean, I just represent the officer said I  
11 stepped over the head, stepped over the helmet because  
12 I didn't stomp on him.  
13 A. That's not true.  
14 Q. Did you see his foot make contact with the  
15 helmet?  
16 A. Yes.  
17 Q. Have you ever seen the video in slow motion?  
18 A. No. I thought the video, I mean, I didn't  
19 know it was going to be on the internet.  
20 Q. Yeah.  
21 A. Well, until I got the phone call.  
22 Q. Who called you?  
23 A. Shawn -- what's her -- I can't remember her  
24 last name.

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1 Q. Shawn?  
2 A. I can't remember her last name.  
3 Q. Is she -- who was she with? Is she with  
4 plaintiff's counsel's firm?  
5 A. Yeah.  
6 Q. She was an investigator for them?  
7 A. I guess. I don't know.  
8 Q. And what did she tell you?  
9 MR. DITRAPANO: I'm going to object. She  
10 didn't say she told her anything.  
11 A. She didn't tell me anything.  
12 MR. RUGGIER: She did say that she called  
13 her, so presumably they spoke.  
14 MR. DITRAPANO: What did she ask her.  
15 Q. What did she ask you or what did she tell you  
16 or what was the conversation between you and  
17 plaintiff's counsel's investigator?  
18 A. If I was the one that recorded the original  
19 video.  
20 Q. Okay. What else?  
21 A. And that was it.  
22 Q. Have you ever had any dealings with the South  
23 Charleston Police Department before?  
24 A. No.

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1 Q. Any dealings with any other police departments  
2 before?  
3 A. What do you mean?  
4 Q. I don't know, have you ever been arrested,  
5 have you ever had something, some incident with police  
6 officers, anything like that?  
7 A. 2011.  
8 Q. What happened?  
9 A. It wasn't in West Virginia.  
10 Q. What happened?  
11 A. My car was used in a theft and then I got  
12 charged with conspiracy.  
13 Q. Charged with conspiracy to --  
14 A. Commit larceny with intent to sell.  
15 Q. What happened with that?  
16 A. Probation.  
17 Q. Did you plead guilty to it?  
18 A. Yeah or I was looking at 40 years over  
19 nothing.  
20 Q. Did that affect your view of police officers  
21 at all?  
22 A. No, I actually have a best friend that's a  
23 police officer.  
24 Q. Who?



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1 A. Andrew White.  
2 **Q. Who is he a police officer with?**  
3 A. He's with Whitesville, but he works for the  
4 fire department in Charleston too.  
5 **Q. Could you estimate how far away you were from**  
6 **the incident where these whatever stepped on the**  
7 **helmet?**  
8 MR. DITRAPANO: I'm going to just object  
9 to the form of the question. You say stepped on the  
10 helmet. We've had --  
11 MR. RUGGIER: What term would you like me  
12 to use? You want me to, you know --  
13 MR. DITRAPANO: Her term is stomped,  
14 so --  
15 MR. RUGGIER: What's that?  
16 MR. DITRAPANO: Yeah, so --  
17 **Q. Okay. Stomped on the helmet. Is that what**  
18 **you'd like me to say?**  
19 A. That's what the video shows.  
20 **Q. How far away were you from when you saw the**  
21 **officer allegedly stomp on the helmet?**  
22 A. I don't, I mean, I don't know. I'm not good  
23 with math, honestly.  
24 **Q. Sure. Do you have an estimate of how far away**

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1 **you were?**  
2 A. No. Maybe 15 feet, 20 feet, something like  
3 that. I have no idea.  
4 **Q. Can you see okay? Do you have any problem**  
5 **with your eyes?**  
6 A. I mean, I do now.  
7 **Q. What's that?**  
8 A. I just -- at night I can't see when I drive,  
9 that's about it.  
10 **Q. Can you see distance at all?**  
11 A. Yeah.  
12 **Q. Do you wear glasses or contacts, anything like**  
13 **that?**  
14 A. No.  
15 **Q. I don't have any more questions for you.**  
16 **Thanks.**  
17 EXAMINATION  
18 BY MR. DITRAPANO:  
19 **Q. Mary, I just have a couple of follow up**  
20 **questions. I wasn't going to put you through, you**  
21 **know, verbalizing profanity on a court record, but**  
22 **since we're having some dispute as to what you actually**  
23 **saw, is there a portion on that video where there's a**  
24 **voice that says he step -- he stomped on his fucking**

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1 **head?**  
2 A. Yeah.  
3 **Q. Is that your voice?**  
4 A. Yes.  
5 **Q. So at the time that you viewed this with your**  
6 **own two eyes on May the 2nd, 2020, what you said was he**  
7 **stomped on his fucking head?**  
8 A. Yes.  
9 **Q. Didn't say he stepped over top of his head,**  
10 **did you?**  
11 A. No.  
12 **Q. You didn't say he stepped on his helmet, did**  
13 **you?**  
14 A. Nope.  
15 **Q. You said he stomped on his fucking head?**  
16 A. Yes.  
17 **Q. Now, there's been some discussion about the**  
18 **speeds and I understand that going across the railroad**  
19 **tracks down there that Billy Means and the police**  
20 **officers weren't going at a high rate of speed. That's**  
21 **the only part of the so-called pursuit that you**  
22 **actually saw, isn't it?**  
23 A. Yes.  
24 **Q. You don't know what may have happened, you**

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1 **know, 10 miles or 15 miles, you know, before?**  
2 A. No.  
3 **Q. You don't know how fast they might have been**  
4 **going?**  
5 A. No.  
6 **Q. And then you never saw how fast they may have**  
7 **been going after they encounter right there at the**  
8 **first set of tracks?**  
9 A. No.  
10 **Q. The next thing you saw was the police**  
11 **officer's vehicle parked blocking the railroad track?**  
12 A. Yes.  
13 **Q. And you were sort of captive because you**  
14 **couldn't get across that track, could you?**  
15 A. No.  
16 **Q. And your business that you needed to take care**  
17 **of would have been on the other side of the tracks;**  
18 **correct?**  
19 A. Yes.  
20 **Q. So you were there basically with a video**  
21 **camera where the only thing you could do is sit there**  
22 **and wait until something resolved with the officer's**  
23 **car and the track?**  
24 A. Yes.

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1 MR. DITRAPANO: That's all I have. Thank  
2 you.  
3 MR. RUGGIER: One second.  
4 EXAMINATION  
5 BY MR. RUGGIER:  
6 **Q. Did you ask for permission to cross the**  
7 **tracks?**  
8 A. No because one officer did move a vehicle and  
9 I don't remember which one it was.  
10 **Q. If it was Peterson, you don't know who it was?**  
11 A. I don't know.  
12 **Q. Have you watched -- so you've watched the**  
13 **video; right, that you took, obviously?**  
14 A. Yeah.  
15 **Q. When Billy is laying there, can you see his**  
16 **face at all?**  
17 A. No.  
18 **Q. You just see the helmet?**  
19 A. Yes.  
20 MR. RUGGIER: I don't have any further  
21 questions. Thanks.  
22 EXAMINATION  
23 BY MR. DITRAPANO:  
24 **Q. Just have a couple. Sitting here today,**



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1 **irrespective of any discussion about what your eyesight**  
2 **is like and irrespective of any discussion about some**  
3 **crime that you might have committed back in, you know,**  
4 **2000, what, '11?**  
5 A. Yeah.  
6 **Q. Okay, there's no doubt in your mind as you sit**  
7 **here today that an officer of South Charleston Police**  
8 **Department there took his foot and stomped Billy Means**  
9 **in the head?**  
10 A. Right.  
11 **Q. There's no doubt in your mind today?**  
12 A. No doubt.  
13 **Q. Okay and if Officer Harvey sat here and said**  
14 **he didn't do it, you would call him a liar?**  
15 A. Yes.  
16 MR. DITRAPANO: That's all I have.  
17 MR. FORBES: She's got the right to read  
18 or waive.  
19 MR. DITRAPANO: Yeah, you have the right,  
20 you can trust that this fine lady here took everything  
21 down accurately and that this video is accurate and  
22 just waive the reading of this, which is what Melissa  
23 did, or you can have us send you a copy, go through it  
24 and make sure it's accurate. It's up to you.

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1 THE DEPONENT: I'm good.  
2 MR. DITRAPANO: You want to waive?  
3 THE DEPONENT: Yeah.  
4 MR. DITRAPANO: Okay.  
5 MR. FORBES: Popular choice.  
6 VIDEO OPERATOR: Time is 4:38 p.m. and this  
7 concludes the deposition.  
8 (Having indicated she would like to waive  
9 reading and signing of her deposition, further this  
10 deponent saith not.)  
11  
12 --oOo--  
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1 STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to wit;  
2  
3 I, Angela L. Curtis, a Notary Public within and  
4 for the County and State aforesaid, duly commissioned and  
5 qualified, do hereby certify that the foregoing deposition  
6 of Mary Chandler was duly taken by me and before me at the  
7 time and place and for the purpose specified in the  
8 caption hereof, the said witness having been by me first  
9 duly sworn.  
10  
11 I further certify that the attached deposition  
12 transcript of Mary Chandler meets the requirements set  
13 forth within article twenty-seven, chapter forty-seven of  
14 the West Virginia Code to the best of my ability.  
15 I do further certify that the said deposition was  
16 correctly taken by me in shorthand notes, and that the  
17 same were accurately written out in full and reduced to  
18 typewriting and that the witness did not request to read  
19 her transcript.  
20 I further certify that I am neither attorney or  
21 counsel for, nor related to or employed by, any of the  
22 parties to the action in which this deposition is taken,  
23 and further that I am not a relative or employee of any  
24 attorney or counsel employed by the parties or financially  
25 interested in the action.  
  
My commission expires August 23, 2022. Given  
under my hand this 3rd day of May 2021.  
  
  


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1 STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

2

3 I, Teresa Evans, owner of Realtime  
4 Reporters, LLC, do hereby certify that the attached  
5 deposition transcript of Mary Chandler meets the  
6 requirements set forth within article twenty-seven,  
7 chapter forty-seven of the West Virginia Code to the best  
8 of my ability.

9

10 Given under my hand this 3rd day of May  
11 2021.

12

13

14 /s/ Teresa Evans

15

16 -----

17 Registered Professional

18 Reporter/Certified Realtime Reporter

19

20

21

22

23

24

25

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